

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

ERIC OLLILA, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

BABCOCK & WILCOX ENTERPRISES, INC.,
E. JAMES FERLAND and JENNY L. APKER,

Defendants.

CIVIL ACTION NO.: 3:17-CV-00109

**LEAD COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES**

Pursuant to Federal Rule of Civil Procedure (“Rule”) 23(h), Court-appointed Lead Counsel Kaplan Fox & Kilsheimer LLP (“Kaplan Fox” or “Lead Counsel”) respectfully submits this motion for: (i) an award of attorneys’ fees in the amount of 25% of the Settlement Fund (i.e., \$4,875,000); (ii) reimbursement from the Settlement Fund of \$285,805.92 for Litigation Expenses that were reasonably and necessarily incurred by Plaintiff’s Counsel¹ and Liaison Counsel in prosecuting and resolving the Action; and (iii) an award of \$1,848.96 to Court-appointed Lead Plaintiff, Arkansas Teacher Retirement System (“ATRS” or “Lead Plaintiff”), for its costs and expenses directly related to representing the Settlement Class, as authorized by the Private Securities Litigation Reform Act of 1995.²

¹ The term “Plaintiff’s Counsel” refers to: (i) Lead Counsel and (ii) additional counsel Kessler Topaz Meltzer & Check, LLP and Labaton Sucharow LLP.

² All capitalized terms used herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated June 21, 2019. ECF No. 77-1.

Pursuant to Local Civil Rule 7.1(B), Lead Plaintiff conferred with Defendants regarding this motion, and Defendants do not oppose.

In support of this Motion, Lead Counsel submits herewith: (i) the Memorandum of Law in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; and (ii) the Declaration of Frederic S. Fox in Support of (1) Lead Plaintiff's Motion for Final Approval of Settlement, Plan of Allocation, and Certification; (2) Lead Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Expenses; and (3) Lead Plaintiff's Request for Reimbursement of Reasonable Costs and Expenses (with Exhibits). A proposed order will be submitted with Lead Plaintiff's reply memorandum.

Dated: November 12, 2019

Respectfully submitted,

By: /s/ Frederic S. Fox

Frederic S. Fox (*pro hac vice*)

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Additional Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I certify that on November 12, 2019, I electronically filed the above Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, together with the supporting Memorandum of Law, and the supporting Declaration of Frederic S. Fox (with all Exhibits thereto), using the Court's CM/ECF system, which will be sent electronically to the registered participants as identified on the attached Electronic Mail Notice List.

/s/ Frederic S. Fox